

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	JD	05/10/2020
Planning Development Manager authorisation:	AN	05/10/2020
Admin checks / despatch completed	DB	05/10/20
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	05/10/2020

Application: 20/01068/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr and Mrs Wright

Address: 25 Upper Second Avenue Frinton On Sea Essex

Development: Proposed hipped to gable ends for loft conversion including 1no. rear window, 1no. flat roof side dormer and 3no. velux roof lights.

1. Town / Parish Council

Mr FRINTON & WALTON
TOWN COUNCIL
21.09.2020

APPROVAL - Allowances should be made for the concern in regard to overlooking so that either frosted glass is used or one way opening of the windows.

2. Consultation Responses

Not applicable.

3. Planning History

11/01175/FUL	Conversion of bungalow to chalet, rear extension and insertion of bow windows to front elevation.	Refused	13.12.2011
12/60016/HOUEN Q	Rear extension, alterations to internal walls		23.01.2012
12/00094/FUL	Rear extension.	Approved	23.03.2012
13/00240/FUL	Single storey rear extension for private use.	Approved	19.04.2013
20/01068/FUL	Proposed hipped to gable ends for loft conversion including 1no. rear window, 1no. flat roof side dormer and 3no. velux roof lights.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SP1 Presumption in Favour of Sustainable Development

SPL3 Sustainable Design

CP2 Improving the Transport Network

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the

NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application property is a detached two-bedroom bungalow with attached single garage on the western side of Upper Second Avenue. The site is near the junction with Holmbrook Way; the southern boundary of the application property is contiguous with the rear boundaries of two properties facing Holmbrook Way. The rear boundary of the property is onto a playing field.

The property has a dropped kerb onto the highway and a long driveway to the side of the bungalow to the attached garage.

The site is within the built up area of Frinton.

Proposal

Proposed hipped to gable ends for loft conversion including 1no. rear window, 1no. flat roof side dormer and 3no. velux roof lights.

The proposal is to change the hipped roof to a roof with a front and a rear gable. A flat roofed dormer would be added to the northern side roof slope, facing no. 27. Two roof lights would be added to the northern roof slope and a roof light would be added to the southern roof slope.

Two bedrooms and a bathroom would be created in the new roof form. The property would become a four bedroom dwelling.

Appraisal

The main issues are considered to be any impact on neighbours, appearance of the proposal in the streetscene and affect to car parking provision.

Policy QL11 states that all new development should be compatible with surrounding land uses and minimise any adverse environmental impacts. Development will only be permitted if a number of criteria are met including that the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

The new gable windows would look to the front and to the rear. These windows would look across the street and to a playing field respectively. The rear gable window may have some view of the rear garden of 2A Holmbrook Way although this garden appears to be already somewhat overlooked from the rear elevation of the house at 23 Upper Second Avenue such that any impact of the proposed rear gable window would not be so great as to reasonably justify refusal. The garden of 2 Holmbrook Way may have some partial overlooking at the western end, over its eastern boundary fence, but any view would be over a substantial distance such that any adverse impact is considered to be not so great as to reasonably justify refusal. The side dormer window is to a bathroom and the side roof lights provide are to a landing or provide additional light to the front bedroom. It would be reasonable to impose a condition that the dormer window and roof lights be obscure glazed. The additional built form of the gables to replace hips would be isolated from the neighbour to the north by the width of a garage such that no material loss of light or outlook would occur.

The proposal is considered acceptable with regard to Policy QL11.

The front gable would be set between a hipped roof bungalow to the right hand side and a house to the left hand side. The side dormer would be set far enough back along the side roof slope to have no significant adverse visual impact.

The proposal is considered acceptable with regard to Policy QL9.

The drive to the property is of a sufficient depth to accommodate two cars and the site is in a sustainable location, some 500m as the crow flies from the commercial centre of Connaught Avenue. The proposal is considered acceptable with regard to Policy TR7.

Letters were set to occupiers of 7 neighbouring properties. The occupier of 2A Holmbrook Way has written to object to the proposal. Points raised are:

- Plans inaccurate; not showing my property
- Loss of privacy
- Overshadowing

Amended plans have now been received showing 2A Holmbrook Way. As referred to above, the angle of view onto the rear of 2A Holmbrook Way would be fairly obtuse and viewing of the 2A Holmbrook Way would be over a significant distance. Having assessed the detailed circumstances it is considered that this aspect would not be sufficient to reasonably refuse planning permission. 2A Holmbrook Way is orientated to the southwest of the roof of the application property and it is not supported that there would be loss of light.

Frinton Town Council has commented in writing to recommend approval.

6. Recommendation

Approval.

7. Conditions / Reasons for Refusal

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plan: 01 revision B received 25th September 2020.

Reason - For the avoidance of doubt and in the interests of proper planning.

3. Any window or roof light to the northern or southern roof slope shall be obscure glazed and retained as such. Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, (or any Order revoking and re-enacting that Order with or without modification), no window or roof light shall be created above ground floor level, other than as hereby approved, except in accordance with drawings showing the design and position of such window or roof light which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interest of the residential amenity of occupiers of neighbouring property, in accordance with Policy QL11 of the adopted Local Plan and Policy SPL3 of the emerging Local Plan.

8. Informatives

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO